

MARK D. FOWLER (Bar No. 124235)
mark.fowler@dlapiper.com
DAVID ALBERTI (Bar. No. 220625)
david.alberti@dlapiper.com
CHRISTINE K. CORBETT (Bar No. 209128)
christine.corbett@dlapiper.com
YAKOV M. ZOLOTOREV (Bar No. 224260)
yakov.zolotorev@dlapiper.com
CARRIE L. WILLIAMSON (Bar No. 230873)
carrie.williamson@dlapiper.com

DLA PIPER US LLP
2000 University Avenue
East Palo Alto, CA 94303-2215
Tel: 650.833.2000
Fax: 650.833.2001

Attorneys for Defendant and Counterclaimant
Sun Microsystems, Inc.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

NETWORK APPLIANCE, INC.,
Plaintiff -- Counterclaim
Defendant,

v.

SUN MICROSYSTEMS, INC.,
Defendant -
Counterclaimant.

CASE NO. 3:07-CV-06053 EDL (JCS)

**SUN MICROSYSTEMS, INC.'S NOTICE OF
WITHDRAWAL OF MOTION TO COMPEL
PRODUCTION OF DOCUMENTS FROM
NON-PARTY ORRICK, HERRINGTON &
SUTCLIFFE**

**Date: August 12, 2008
Time: 9:30 a.m.
Courtroom: E, 15th Floor
Hon. Elizabeth D. Laporte**

Pursuant to Local Rule 7-7(e), Sun Microsystems, Inc. ("Sun") hereby withdraws its
Motion to Compel Production of Documents from Non-Party Orrick, Herrington & Sutcliffe
("Orrick").

On July 8, 2008, Sun filed a motion to compel the production of documents from Orrick
in response to a subpoena served on January 22, 2008. On or around July 11, 2008, Orrick
produced documents responsive to the subpoena. As such, Sun's motion to compel is now moot.

1 The parties are continuing to meet-and-confer in good-faith to resolve any dispute
2 regarding payment of costs.

3
4 Dated: July 28, 2008

5
6 DLA PIPER US LLP

7 By Mark D. Fowler
8 MARK D. FOWLER
9 CHRISTINE K. CORBETT
Attorney for Defendant and Counterclaimant
SUN MICROSYSTEMS, INC.